

**REQUEST FORM FOR
APPLICATION UNDER 37 CFR 1.53(b)**

DOCKET NUMBER: 57810-070

Prior Application:

Art Unit: 2826

Examiner: Forde

BOX

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Request for filing a **Divisional** application under 37 CFR 1.53(b) of pending prior application Serial No. **09/788,673**, filed on **February 21, 2001**, entitled **SEMICONDUCTOR DEVICE HAVING OPENING AND METHOD OF FABRICATING THE SAME**, by the following named inventors: Yoshinari ICHIHASHI and Takashi GOTO.

1. ☒ I hereby state that the enclosed application contains no new matter.
2. Oath or Declaration
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63(d))
 - i. ☐ Deletion of inventor(s)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
3. ☒ Incorporation By Reference (useable if Box 2b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 2b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
4. ☒ Preliminary Amendment is enclosed.
5. ☒ An Information Disclosure Statement and PTO1449 Form are submitted herewith.
6. ☒ Cancel claims 1-7.



7. The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 6 above:

| | NO. OF CLAIMS | | EXTRA CLAIMS | RATE | AMOUNT |
|---|------------------|-----|-----------------|-----------|-----------------|
| Total Claims | 12 | -20 | 0 | \$18.00 = | \$0.00 |
| Independent Claims | 1 | -3 | 0 | \$84.00 = | \$0.00 |
| Basic Application Fee | | | | | \$750.00 |
| If multiple dependent claims are presented, add \$0.00 | | | | | \$0.00 |
| Total Application Fee | | | | | \$750.00 |
| Subtract ½ if small entity | | | | | \$0.00 |
| TOTAL APPLICATION FEE DUE | | | | | \$750.00 |
| AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT NO. 500417 | | | | | \$750.00 |

- 7a. ☐ Enclosed is a Verified Statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27.
- 7b. ☐ A verified Statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27 was filed in prior application and such status is still proper and desired.
- 8a. ☒ **PLEASE CHARGE DEPOSIT ACCOUNT 500417 in the amount of \$750.00**
- 8b. ☒ The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required, including any extension of time fees to maintain the pendency of the parent application Serial No. **09/788,673** or credit any overpayment to Deposit Account No. 500417.
9. ☒ Amend the specification by inserting before the first line the sentence:
 --This application is a **divisional** of Application Serial No. **09/788,673** filed **February 21, 2001**--
10. ☒ Priority of Application Serial No. **2000-045580** filed on **February 23, 2000**, in **JAPAN** is claimed under 35 USC 119. The certified priority document was filed in Serial No. **09/788,673** on **July 23, 2001**.
11. ☒ The prior application is assigned of record to
SANYO ELECTRIC CO., LTD.
 Osaka, JAPAN
12. ☒ The power of attorney in the prior application is to:
 McDermott, Will & Emery
13. ☐ Also enclosed:

DOCKET NUMBER: 57810-070


14. ☐ A petition, fee and response has been filed to extend the term in the pending prior application until .

Address all future communications to: (May only be completed by applicant, or attorney or agent of record)

McDermott, Will & Emery
600 13th Street, N.W.
Washington, DC 20005-3096
CUSTOMER NUMBER 20277

Respectfully submitted,

MCDERMOTT, WILL & EMERY


Arthur J. Steiner
Registration No. 26,106

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 AJS:blp
Facsimile: (202) 756-8087
Date: July 23, 2003